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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,309	09/17/2003	Alan O'Neill	Flarion-56APP (83)	1440
26479	7590	05/07/2007		
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			EXAMINER SMITH, MARCUS	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 05/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,309

Applicant(s)

O'NEILL, ALAN

Examiner

Marcus R. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,9,13-27 and 29-34 is/are rejected.
- 7) ☒ Claim(s) 3-4, 8, 10-12, and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/5/04, 5/04/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-26 and 29-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are directed to non-functional descriptive material, i.e. a packet format.

The applicant should review the Interim Guidelines for 35 U.S.C. 101:

http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-7, 9, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Yano et al. (US 7,123,599).

with regards to claim 1, (see figures 5 and 12)

A communications method for use in a communications system including an end node and a first router, the method comprising:

operating said first router to receive a packet (step 1401, column 14, lines 12-17) including a source address (505) and an option field (503), said option field including a Care of Address (516) corresponding to said node (figure 5, describe the packet: column 8, lines 33-56);

operating said first router to perform ingress filtering using said Care of Address as an ingress filter input, the result of said filtering being conditional on the value of the Care of Address (step 1403: column 14, lines 18-22: the examiner views perform filtering as processing the packet in the router.).

with regards to claim 27,

A communications method for use in a communications system including a mobile node and a first router, the method comprising:

operating said first router to receive a packet (step 1401, column 14, lines 12-17) including a source address (505) and an option field (503), said option field including an option type code (513) indicating which nodes receiving said packet should process the contents of said option field in a filtering operation (figure 5, describe the packet: column 8, lines 33-56); and

operating said first router to use contents of the option field in a filtering operation regardless of the value of the option type code (step 1403: column 14, lines 18-22: the examiner views perform filtering as processing the packet in the router.).

with regards to claim 2,

The method of claim 1, wherein said ingress filtering is not dependent on the value of the source address (step 1403: column 14, lines 18-33: Filtering depends on the destination address not source address.).

with regards to claim 5,

The method of claim 1, wherein said packet is a multicast packet and wherein said ingress filtering includes: performing a reverse path forwarding check for said multicast packet (column 10, lines 52-62: The examiner views using the multicast routing table to determined the packet's destination as a reverse path forwarding check.).

with regards to claim 6,

The method of claim 1, wherein operating to receive a packet includes: receiving said packet on an interface (column 10, lines 29-33); and determining if said Care of Address includes an address preface (prefix) matching an address prefix associated with said first router (column 10, lines 63-67 through column 11, lines 1-5: For the router to change the destination address to Care of address, it must have the same prefix section.).

with regards to claim 7,

The method of claim 1, wherein operating to receive a packet includes: receiving said packet on an interface (column 10, lines 29-33); and determining if said Care of Address includes an address prefix matching an address prefix associated with said interface on said first router (column 10, lines 63-67 through column 11, lines 1-5: For the router to change the destination address to Care of address, it must have the same

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prefix section.); and setting a flag (set bits) in said packet indicating that said Care of Address has been validated when said determining indicates that said Care of Address includes an address prefix associated with said interface on said first router (s1407: column 14, lines 23-29).

with regards to claim 9,

The method of claim 1, further comprising: operating an additional (another) router to receive the packet from the first router; and wherein said packet includes an indicator (prefix addresses) indicating whether said additional router should exclude information (sub network indication section) from the option field including said Care of Address when performing ingress filtering (column 13, lines 20-30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al. (US 7,123,599) in view of Leung (US 6,636,498) see IDS on 08/05/04.

with regards to claim 13, Yano et al. teaches:

An apparatus (terminal, 105) comprising :

a machine readable medium (processing section: column 6, lines 17-22), said machine readable medium including: an Internet Protocol packet (router advertisement message) from a source node (base station, 104) coupled to a first access router (103)

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used to route messages from said source node (column 6, lines 6-16), said access router being a single Internet Protocol hop from said source node (see figure 1, shows the router, 103 and base station, 104 is Internet hop away from each other.), said first access router having a first address prefix (212) of length (211) L bits (column 6, lines 35-40), where L is a positive integer greater than 0, (see figure 2, the prefix length is 64 which is greater than 0.): said message including:

- i) a source address field including a source address (see figure 2);
- ii); and
- iii) an option field (204), said option field including an additional address (216) having a second address prefix that includes the L bit prefix (215) of said first access router as the first L bits of said second address prefix (column 7, lines 33-40: the prefix length, 215, is 64 which is the same as prefix length, 211.).

Yano et al. discloses all of the subject matter as described above except for a destination address field including a destination address, said destination address corresponding to one of another node and a group of nodes to which said packet is being directed.

Leung teaches a packet that has the source, 526, and destination, 528, address as standard IP header refer (RFC 791) for a registration request packet in order to standardized the system so that the packet can be sent and receive through all IP devices.

Therefore it would have been obvious to one having ordinary skill in the art at the time invention was made to use the destination in the IP header as taught by Leung in

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the system Yano et al. in order to standardized the system so that the packet can be sent and receive through all IP devices. Thus the destination address of the combined system will correspond to have could be the mobile node, or base station, or a multicast address.

with regards to claim 29,

A mobile node including:

means for generating a packet to be communicated from said mobile node (105) to a first access router used to route messages from said mobile node to a destination node (HA device, 101) (column 7, lines 45-50), said first access router having a first address (212) prefix of length L bits (column 6, lines 35-40), where L is a positive integer greater than 0, (see figure 2, the prefix length is 64 which is greater than 0.), said message including:

i) a source address field (505) including a source address corresponding to said mobile node (see figure 5);

ii); and

iii) an option field (503), said option field including an additional address having a second address (516) prefix that includes the L bit prefix (515) of said first access router as the first L bits of said second address prefix (column 8, lines 44-51: the prefix length, 515, is 64 which is the same as prefix length, 211.); and

a transmitter for transmitting said generated packet to said first access router (column 7, lines 40-50).

Yano et al. discloses all of the subject matter as described above except for a destination address field including a destination address, said destination address corresponding to said destination node to which said packet is being directed.

Leung teaches a packet that has the source, 526, and destination, 528, address as standard IP header refer (RFC 791) for a registration request packet in order to standardized the system so that the packet can be sent and receive through all IP devices.

Therefore it would have been obvious to one having ordinary skill in the art at the time invention was made to use the destination in the IP header as taught by Leung in the system Yano et al. in order to standardized the system so that the packet can be sent and receive through all IP devices. Thus the destination address of the combined system will correspond to have could be the Home agent address, 101.

Allowable Subject Matter

6. Claims 3-4, 8, 9-12 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus R. Smith whose telephone number is 571 270 1096. The examiner can normally be reached on Mon-Fri. 7:30 am - 5:00 pm every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 4/25/07



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